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| APPLICATION NO.          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.   |
|--------------------------|-------------|----------------------|---------------------|--------------------|
| 10/634,599               | 08/05/2003  | George M. Gordon     | 3342                | 6503               |
| 27727                    | 7590        | 09/09/2004           | EXAMINER            |                    |
| PEDERSEN & COMPANY, PLLC |             |                      |                     | CONLEY, FREDRICK C |
| P.O. BOX 2666            |             | ART UNIT             |                     | PAPER NUMBER       |
| BOISE, ID 83701          |             | 3673                 |                     |                    |

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                     |  |
|------------------------------|-------------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>        | <b>Applicant(s)</b> |  |
|                              | 10/634,599                    | GORDON ET AL.       |  |
|                              | Examiner<br>Fredrick C Conley | Art Unit<br>3673    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 14 June 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Pat. No. 6,742,635 to Hirshberg.

Claim 15, Hirshberg discloses a sleeping pad comprising:

a mat 40 with a foot end, a head end, an upper surface, and a back surface;  
a storage pouch 10 on the upper surface of the mat at or near the foot end having an opening at an extremity of the storage pouch that is nearest the head end;  
wherein the mat is adapted to fold into a compact shape and be inserted into said storage pouch through the opening; and,  
wherein the storage pouch has a fastener on an interior surface of the storage pouch at or near the opening and the mat has a fastener on the back surface; and,  
wherein the mat is folded from the head end into the storage pouch, and said storage pouch fastener attaches to said fastener on the mat back surface to hold the mat within the pouch (col. 4 lines 9-19).

Claim 16, wherein said pouch and said opening are the same width as the mat (fig. 3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-11, 13, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6742,635 to Hirshberg in view of U.S. Pat. No. 5,099,530 to Scott.

Claim 1, Hirsberg discloses a pad comprising:

a mat 40 with a top end and a bottom end, an upper surface and a back surface; a storage pouch 10 on the upper surface of the mat at or near said bottom end of said mat the storage pouch being equal in width to the mat; and

wherein the storage pouch comprises a lower half that is a portion of the upper surface of the mat and an upper half that is a flap extending over the upper surface of the mat the upper half having a bottom edge and two side edges that are attached to said mat and a top edge that is the extremity of the pouch nearest the top end of the mat wherein said top edge is unattached from said mat to form an opening into the storage pouch that is adapted to receive the portion of the mat not covered by the pouch. Hirsberg fails to disclose a pillow and a blanket. Scott discloses a mat having a pillow at or near the top end of said mat (col. 4 lines 17-18) and a blanket 18. It would

have been obvious to one having ordinary skill in the art at the time of the invention to employ a pillow near the top end of the mat and attach a blanket to the storage pouch in order to provide comfort during resting and cover a person laying on the top of the mat of Hirshberg.

Claim 4, wherein said blanket is detachable from and re-attachable to said mat storage pouch (col. 4 lines 47-56)(Scott).

Claim 5, wherein said blanket is attached and detached with a hook and loop connection system (col. 4 lines 54-56).

Claim 6, wherein said blanket comprises an end extension portion having a blanket fastener and the upper half of the storage pouch comprising a bottom surface at or near the top edge of the upper half having a cooperating pouch fastener, and wherein the blanket extends into the storage pouch to contact the bottom surface of the upper half of the pouch and the blanket fastener connects to the pouch fastener (col. 4 lines 9-24) (Hirshberg).

Claim 7, wherein the mat top end rolls into the storage pouch and the sleeping pad further comprises a hook and loop connector system for closing the storage pouch with the mat substantially contained within the storage pouch (col. 3 lines 32-38)(Hirshberg).

Claims 8, 13 and 17, Hirshberg, as modified, discloses the claimed invention wherein the pillow is rectangular. Hirshberg fails to disclose the pillow integral with the mat and the pouch rectangular. It would have been an obvious to have the pillow integral with mat and the pouch rectangular, since Applicant has not disclosed that an

integral pillow or rectangular pouch are critical and it would appear that the pillow and pouch taught by Hirshberg would perform equally well.

Claim 9, wherein a handle is positioned on the bottom end of the pad (fig. 3)(Hirsberg).

Claim 10, wherein said storage pouch comprises:  
said pocket being generally equal in width to said mat and extending upward from said bottom end of said mat 1/6 - 1/3 of the way to the top end of the mat (fig. 3)(Hirshberg).

Claim 11, wherein the blanket is generally rectangular and has a bottom edge, a top edge, sides edges, and two top corners and two bottom corners, and wherein said blanket is removably attached to the sleeping pad only at said bottom edge and said two bottom corners (fig. 4)(Scott).

Claim 18, Hirshberg discloses all of the Applicant's claimed limitations except for a pillow fastened to the mat. Fastened is defined as to fix firmly in place. Scott discloses a pillow firmly fixed to the mat via the pocket 20 thus the pillow is fasted to the mat. It would have been obvious to fasten a pillow to the mat as taught by Scott in order to provide comfort during resting.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC  


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PRIMARY EXAMINER  
ART UNIT 358